

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Petition of Bell Atlantic for Relief)	CC Docket No. 98-11
from Barriers to Deployment of)	
Advanced Telecommunications Services)	
)	
Petition of U S WEST for Relief from)	
Barriers to Deployment of Advanced)	CC Docker No. 98-26 ✓
Telecommunications Services)	
)	
Petition of Ameritech for Relief from)	
Barriers to Deployment of Advanced)	CC Docket No. 98-32
Telecommunications Services)	
)	
Motion to Consolidate Filing of)	
Comments and Replies by the)	
Association for Local)	
Telecommunications Services)	

ORDER

Adopted: March 16, 1998

Released: March 16, 1998

By the Chief, Policy and Program Planning Division, Common Carrier Bureau:

1. On January 26, February 25, and March 5, 1998, Bell Atlantic Corporation, U S WEST Communications, Inc., and Ameritech Corporation, respectively, filed petitions with the Commission seeking forbearance from certain provisions of the Communications Act of 1934 (Act), as amended, that the petitioners contend act as barriers to the deployment of advanced telecommunications services. The three petitioners all rely on section 706 of the Telecommunications Act of 1996 as the basis for their request for forbearance from, among others, sections 251 and 271 of the Act. The Common Carrier Bureau (Bureau) issued separate public notices establishing pleading cycles for the above mentioned petitions.¹

¹ Commission Seeks Comment On Bell Atlantic Petition For Relief From Barriers To Deployment Of Advanced Telecommunications Services, Public Notice, CC Docket No. 98-11, DA 98-184 (rel. Jan. 30, 1998); Commission Seeks Comment On U S WEST Petition For Relief From Barriers To Deployment Of Advanced

2. On March 9, 1998, the Association for Local Telecommunications Services (ALTS) filed a motion to consolidate the pleading cycles for the three section 706 forbearance petitions referenced above, together with a petition for rulemaking filed by the Alliance for Public Technology (APT).² In its motion, ALTS requests consolidation of the comment and reply cycles for these petitions "as a convenience for the commenting parties and the Commission," arguing that all four petitions raise similar issues.³ On March 12, 1998, APT filed an opposition to the ALTS motion for consolidation.⁴ In its opposition, APT states that it "takes no position on consolidation of the [Bell Atlantic, U S WEST and Ameritech] petitions," but contends that those three petitions should not be consolidated together with the APT petition for rulemaking.⁵

3. We agree with ALTS that the petitions filed by Bell Atlantic, U S WEST, and Ameritech raise certain similar issues, such that commenters should be allowed to file the same comments and reply comments regarding each of these three forbearance requests, if they so choose. We thus grant the ALTS motion with regard to the petitions filed by Bell Atlantic, U S WEST, and Ameritech. Parties must, however, file a separate copy of each of their comments in each of the three dockets. To the extent commenters address issues that pertain to only one petitioner, those issues should appear only in the relevant docket.

4. To effectuate this consolidation, we are adjusting the filing dates for the Bell Atlantic petition to make them consistent with the dates previously associated with the U S WEST and Ameritech petitions. Thus, comments concerning the Bell Atlantic petition are now due on **April 6, 1998**, and replies due on **May 6, 1998**. We decline to consolidate the pleading cycle for these petitions with the pleading cycle on the APT petition. We agree with APT that its petition, unlike those of Bell Atlantic, U S WEST and Ameritech, addresses the

Services, CC Docket No. 98-26, DA 98-469 (rel. Mar. 6, 1998); *Commission Seeks Comment On Ameritech Petition For Relief From Barriers To Deployment Of Advanced Telecommunications Services*, Public Notice, CC Docket No. 98-32, DA 98-470 (rel. Mar. 6, 1998). On February 25, 1998, the Chief, Policy and Program Planning Division, Common Carrier Bureau granted the motion of the Commercial Internet eXchange for an extension of the deadline for filing comments on the Bell Atlantic petition. *In the Matter of Bell Atlantic's Petition for Relief from Barriers to Deployment of Advanced Telecommunications Services*, Order, CC Docket No. 98-11, DA 98-376 (rel. Feb. 25, 1998).

² *Alliance for Public Technology Petitions the Commission for Issuance of a Notice of Inquiry and a Notice of Proposed Rulemaking To Implement Section 706 of the Telecommunications Act*, Public Notice, RM 9844, CCB/CPD 98-15 (rel. Mar. 12, 1998). In its petition, APT asks the Commission to open a proceeding to "adopt policies that remove barriers" to the deployment of advanced technologies. APT Petition at 2. Comments on the APT petition for rulemaking are due on April 13, 1998, and replies are due on May 4, 1998.

³ ALTS Motion at 2.

⁴ Opposition of the Alliance for Public Technology to the Association for Local Telecommunications Services' Motion to Consolidate Comments and Replies, (filed Mar. 12, 1998).

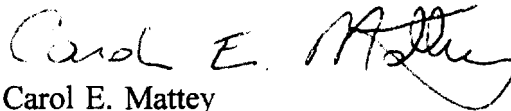
⁵ APT Opposition at 4.

regulatory concerns of more than "just an individual company."⁶ As the APT petition requests a rulemaking, we do not believe it is appropriate to consolidate the pleadings regarding a petition seeking a rulemaking with petitions seeking forbearance from certain provisions of the Communications Act.

5. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), and Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91 and 0.291, that the motion to consolidate pleading cycles filed by the Association for Local Telecommunications Services IS GRANTED to the extent stated herein, and otherwise IS DENIED.

6. IT IS FURTHER ORDERED that the pleading cycles for the petitions of Bell Atlantic, CC Docket No. 98-11, U S WEST, CC Docket No. 98-26, and Ameritech, CC Docket No. 98-32, are consolidated, and parties may file the same comments in each docket, if they so choose.⁷ **Comments in CC Docket No. 98-11, CC Docket No. 98-26, and CC Docket No. 98-32 must be filed no later than April 6, 1998, and reply comments must be filed no later than May 6, 1998.** No party will be deemed to have submitted comments in one of the above mentioned proceedings unless the party files an original plus 12 copies of its comments in each separately docketed proceeding with the Secretary, FCC, 1919 M St., N.W., Washington, D.C. 20554. An additional copy of every pleading must also be sent to Janice M. Myles, Common Carrier Bureau, FCC, Room 544, 1919 M St., N.W., Washington, D.C. 20554, and to the Commission's contractor for public service records duplication, International Transcription Services, Inc., 1231 20th St., N.W., Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Chief, Policy and Program Planning Division
Common Carrier Bureau

⁶ APT Opposition at 2.

⁷ We note that while the Bureau is permitting parties to file consolidated comments on the Bell Atlantic, U S WEST, and Ameritech petitions, we do not, in this order, consolidate the Commission's consideration of these petitions.